

## § 165.152

## 33 CFR Ch. I (7–1–04 Edition)

Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°35'45" N, 073°05'23" W, off of Cherry Cove, NY.

(17) *Treibek's Party Fireworks Safety Zone.* All the waters of the Atlantic Ocean within a 1200-foot radius of the fireworks barge located in approximate position 40°54'04" N, 072°16'50" W, off of Sagaponack, NY.

(b) *Notification.* Coast Guard Group/Marine Safety Office Long Island Sound and Coast Guard Group Moriches will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY" with the same dimensions listed previously.

(c) *Enforcement period.* Specific zones in this section will be enforced from 8 p.m. to 11 p.m. (e.s.t.) each day a barge with a "FIREWORKS—STAY AWAY" sign is posted in that zone.

(d) *Regulations.* Vessels may not enter, remain in, or transit through the safety zones in this section during the enforcement period unless authorized by the Captain of the Port Long Island Sound or designated Coast Guard patrol personnel on scene.

[CGD01-01-077, 67 FR 22352, May 3, 2002, as amended by USCG-2003-15404, 68 FR 37741, June 25, 2003; 68 FR 40024, July 3, 2003]

### § 165.152 Coast Guard Station Fire Island, Long Island, New York—safety zone.

(a) *Location.* The following waters of Fire Island Inlet are a safety zone: Beginning at a point on shore at 40°37.523' N, 073°15.685' W; then north to 40°37.593' N, 073°15.719' W; then east to 40°37.612' N, 073°15.664' W; then east to 40°37.630' N, 073°15.610' W; then east to 40°37.641' N, 073°15.558' W; then southeast to 40°37.630' N, 073°15.475' W; then southeast to 40°37.625' N, 073°15.369' W; then southeast to 40°37.627' N, 073°15.318' W; then southeast to point on shore at 40°37.565' N, 073°15.346' W. All coordinates are North American Datum 1983.

(b) *Regulations.* (1) The general regulations contained in 33 CFR §165.23 apply.

(2) All persons and vessels must comply with the Coast Guard Captain of the Port or designated on-scene patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Upon being hailed by siren, radio, flashing light or other means from a U.S. Coast Guard vessel or other vessel with on-scene patrol personnel aboard, the operator of the vessel shall proceed as directed.

[CGD01-03-025, 69 FR 26045, May 11, 2004]

### § 165.153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.

(a) *Regulated Navigation Area location.* All waters of the Long Island Sound Marine Inspection and Captain of the Port (COTP) Zone, as delineated in 33 CFR 3.05–35, extending seaward 12 nautical miles from the territorial sea baseline, are established as a regulated navigation area (RNA).

(b) *Applicability.* This section applies to all vessels operating within the RNA excluding public vessels.

(c) *Definitions.* The following definitions apply to this section:

*Commercial service* means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

*Ferry* means a vessel that:

(1) Operates in other than ocean or coastwise service;

(2) Has provisions only for deck passengers or vehicles, or both;

(3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(4) Offers a public service of a type normally attributed to a bridge or tunnel.

*Public vessels* means vessels owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commercial service.